

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

FRANKLIN ASHLEY,

Plaintiff,

v.

WILLIAM MCKINNEY, et al.,

Defendants.

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No. 4:19-CV-309 CAS

**MEMORANDUM AND ORDER**

Plaintiff moves for appointment of counsel. After considering the motion and the pleadings, the motion is denied without prejudice to refile at a later time.

There is no constitutional or statutory right to appointed counsel in civil cases. Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors, including (1) whether the plaintiff has presented non-frivolous allegations supporting his or her prayer for relief; (2) whether the nature of the case is such that the plaintiff as well as the Court will benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. See Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986); Nelson, 728 F.2d at 1005.

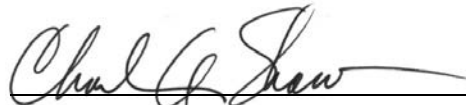
Plaintiff has presented non-frivolous allegations in his complaint. However, he has demonstrated, at this point, that he can adequately present his claims to the Court. This case completed initial review in August 2019, two defendants filed their answer to plaintiff's complaint on October 17, 2019, and the third and final defendant has not yet been served with process. At this early stage of the case, where no case management order has been issued and

discovery has not begun, there is no conflicting testimony and the record does not support the need for appointment of counsel to assist plaintiff and the Court at this time.

Plaintiff may file future motions for appointment of counsel as the case progresses.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for appointment of counsel is **DENIED** without prejudice. [Doc. 21]

  
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**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 23rd day of October, 2019.